

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO.
v.	:	DATE FILED:
KIMBERLY CANN a/k/a "Kim"	:	Violations: 18 U.S.C. § 1344 (Bank fraud - 1 count) 18 U.S.C. § 2 (Aiding and abetting) Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. First Union National Bank ("First Union") was a financial institution with branches in the Eastern District of Pennsylvania and elsewhere, whose deposits were insured by the Federal Deposit Insurance Corporation.

2. Hallemah Creighton, charged elsewhere, was employed as a teller at the Paoli branch of First Union, located in Paoli, Pennsylvania.

3. From in or around November 1999 through on or about December 29, 1999, in the Eastern District of Pennsylvania, defendant

KIMBERLY CANN,
a/k/a "Kim,"

knowingly executed, and aided and abetted the execution of, a scheme to defraud First Union, and to obtain monies and funds owned by and under the custody and control of First Union, by

means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

It was a part of the scheme that:

4. Defendant KIMBERLY CANN, Keino Herring, charged elsewhere, and Hallemah Creighton created a scheme to steal approximately \$128,600 from the accounts of unsuspecting victims at First Union.

5. In or around November 1999, defendant KIMBERLY CANN recruited Hallemah Creighton to fraudulently cash “counter withdrawal” slips when those slips were presented to Creighton at the bank. They would be presented by persons who were not the true account holders.

6. In or around November and December 1999, defendant KIMBERLY CANN devised the scheme to have persons present fraudulent “counter withdrawal” slips to Hallemah Creighton in exchange for money. The money would be withdrawn from various accounts by Creighton and presented to these persons who were known by KIMBERLY CANN and Creighton to not be the true account holders.

7. In or around November and December 1999, defendant KIMBERLY CANN recruited various individuals to enter the Paoli branch of the bank and act as imposter account holders in presenting fraudulent “counter withdrawal” slips to accomplice Hallemah Creighton.

8. The names and account numbers on the “counter withdrawal” slips fraudulently cashed by Hallemah Creighton had been obtained by various means of identity theft by Keino Herring.

9. From on or about December 13, 1999, to on or about December 29, 1999, defendant KIMBERLY CANN arranged for Hallemah Creighton to wrongfully cash

approximately 17 First Union bank account “counter withdrawal” slips which were presented by persons who were not the true account holders and who had no authority from the true account holders to present such withdrawal slips.

10. Through the fraudulent cashing of the “counter withdrawal” slips, defendant KIMBERLY CANN and Keino Herring obtained approximately \$128,600 from the accounts of six different First Union account holders without the permission of the account holders.

11. Defendant KIMBERLY CANN received as payment a portion of the proceeds of the fraudulent withdrawals.

All in violation of Title 18, United States Code, Sections 1344 and 2.

NOTICE OF FORFEITURE

As a result of the violation of Title 18, United States Code, Sections 1344 and 2 set forth in Count One of this indictment, defendant

KIMBERLY CANN,
a/k/a "Kim,"

shall forfeit to the United States under Title 18, United States Code, Section 982(a)(2)(A):

Any and all real and/or personal property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violations of Title 18, United States Code, Sections 371, 1344 and 2, as charged in this indictment, including but not limited to \$128,600.

If any of the property described above is being subject to forfeiture, as a result of any act or admission of the defendant

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond a jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) had been commingled with other property which cannot be divided without difficulty.

It is the intent of the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), to seek forfeiture of any other property of said defendant up to the value of said property listed above as being subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2)(A).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney